

In the Matter of:

O R D E R

1 "Applicants for electric service who desire master metering of electricity in a building for which master metering is prohibited may make a formal complaint to the Commission as provided in 807 KAR 5:001, Section 11. The applicant shall have the burden of proving that the costs of purchasing and installing separate meters in the building are greater than the long run benefits of individual metering to the consumers of the electricity at the building."

The Commission requires that those representing the interests of others before it be licensed attorneys. It has previously ordered that "any attorney who is not licensed to practice in the State of Kentucky and who seeks to represent a client or employer before this Commission must engage a member of the Kentucky Bar Association."² Furthermore, Commission Regulation 807 KAR 5:001, Section 12(2), states:

Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. [Emphasis added]

When viewed in conjunction with the Commission's prior decisions, this regulation requires that a corporation's complaint be signed by an attorney who is a member of the Kentucky Bar Association.

Danville Friends is a non-profit corporation organized under the laws of this Commonwealth. William Ramseyer, its president, has signed the complaint on its behalf. In response to Commission inquiries, the Kentucky Bar Association has advised the Commission that Mr. Ramseyer neither holds a license to practice law in this state nor is a member of the Kentucky Bar Association. Insofar as Danville Friends is a corporation and its complaint is not signed by an attorney licensed to practice law in this Commonwealth, its complaint does not conform to Commission regulations.

The complaint, as it pertains to Mr. Coleman, fails to establish a prima facie case. A complainant "must have a real, direct present and substantial right or interest in the subject

² Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky, June 15, 1981.

matter of the controversy." Winn v. First Bank of Irvington, 581 S.W.2d 21, 23 (Ky.App. 1978). The complaint fails to allege that Mr. Coleman has such an interest. It alleges only that he is a consultant to the owner of Coffee Tree Square Apartments. It does not allege that he holds either an ownership or possessory interest in the building. Without holding such an interest, the Commission fails to see how Mr. Coleman has any direct or substantial interest in the methods used to provide electric service to the building.

After examining the parties' complaint as Commission Regulation 807 KAR 5:001, Section 12(4)(a), requires, the Commission finds that, as to Danville Friends, the complaint fails to conform with Commission regulations, and that, as to Mr. Coleman, it fails to state a prima facie case. Accordingly, the complaint should not be allowed to proceed at this time.

IT IS THEREFORE ORDERED that complainants shall have 20 days from the date of this Order in which to amend their complaint to conform with Commission regulations and to state a prima facie case. If they fail to do so within that time, their complaint shall be dismissed without prejudice.

Done at Frankfort, Kentucky, this 21st day of September, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director